

REMARKS

Claim 66 is amended by this Preliminary Amendment, Reply to Restriction Requirement, and Reply to Requirement for Election of Species. No claims are added or canceled hereby. Accordingly, claims 1-66 will remain pending after entry of this Response.

In this Preliminary Amendment, the dependency of claim 66 has been changed to claim 65. This corrects a minor typographical error in the presentation of claim 66. No new matter has been added

In reply to the Office Action dated June 21, 2005, Applicant hereby provisionally elects the Invention of Group I, claims 1-23 and 65-66. Since Applicant has provisionally elected Group I for further prosecution, Applicant hereby provisionally elects Species 1 for further prosecution. Claims 1-23 read on this species. This response to restriction requirement and requirement for election of species is made with traverse.

MPEP §803 states: "There are two criteria for a proper requirement for restriction between patentably distinct inventions: (A) The inventions must be independent or distinct as claimed; and (B) There must be serious burden on the examiner if the restriction is required." MPEP §803 also states: "If the search and examination and of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." (Emphasis added.)

MPEP §808 states: "Every requirement to restrict has two aspects: (A) the reasons (as distinguished from the mere statement of conclusion) why the inventions *as claimed* are either independent or distinct; and (B) the reasons for insisting upon restriction therebetween as set forth in the following sections." (Italics emphasis is in original.)

MPEP §808.02 states: "The examiner, in order to establish reasons for insisting upon restriction, must show by appropriate explanation one of the following: (A) Separate

classification thereof; (B) A separate status in the art when they are classifiable together;
(c) A different field of search.”

It is respectfully submitted that the search and examination of the entire application can be made without a serious burden and the criteria for a proper restriction requirement have not been met. Accordingly, it is respectfully submitted that the Restriction Requirement and is improper and must be withdrawn.

Claim 1, which is encompassed by Group I, recites a processing system for treating a substrate. The system of claim 1 recites a chemical treatment system for chemically altering exposed surface layers on a substrate. Among the features recited, claim 1 recites a system with a temperature controlled chemical treatment chamber and a temperature controlled substrate holder mounted within the chemical treatment chamber. The substrate holder is configured to be substantially thermally insulated from the chemical treatment chamber. The system also includes a vacuum pumping system coupled to the chemical treatment chamber. A gas distribution system is configured to introduce one or more process gases into the chemical treatment chamber and has a temperature controlled portion exposed to one or more process gases in the chemical treatment chamber. The system also includes a thermal treatment system for thermally treating the chemically altered surface layers on the substrate. The thermal treatment system has a temperature controlled thermal treatment chamber, a temperature controlled substrate holder mounted within the thermal treatment chamber that is configured to be substantially thermally insulated from the thermal treatment chamber, and a vacuum pumping system coupled to the thermal treatment chamber. An isolation assembly is disposed between the thermal treatment system and the chemical treatment system.

Claim 24, which is encompassed by Group II, recites a method including transferring the substrate into a chemical treatment system with a temperature controlled chemical treatment chamber, a temperature controlled substrate holder mounted within the chemical

treatment chamber, a vacuum pumping system coupled to the chemical treatment chamber, a gas distribution system configured to introduce one or more process gases into the chemical treatment chamber with a temperature controlled portion exposed to the one or more process gases in the chemical treatment chamber, and a controller coupled to the chemical treatment system. The method also includes transferring said substrate into a thermal treatment system comprising a thermal treatment chamber, a temperature controlled substrate holder mounted within the thermal treatment chamber, and a vacuum pumping system coupled to the thermal treatment chamber, and the controller coupled to the thermal treatment chamber, wherein the thermal treatment system is coupled to said chemical treatment system via an isolation assembly.

As such, the method of claim 24, and claims 25-64 which depend therefrom, recite many of the same features of the claims recited by Group I. Accordingly, it is respectfully submitted that the search and examination for elected claims 1-23 and 65-66 necessarily encompasses the search and examination for non-elected claims 24-64. The search and examination for the features recited by the claims of Group I necessarily will require a search for the features recited by Group II. Accordingly, it is respectfully submitted that the search and examination of the entire application can be made without a serious burden.

It is also respectfully submitted that the Restriction Requirement should be withdrawn in order to prevent duplicative examination by the Patent Office and unnecessary expense to Applicant.

Reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

In reply to the Election of Species Requirement, it is respectfully submitted that the criteria for a proper Restriction Requirement between patentably distinct inventions set forth in MPEP §803 has not been met. In particular, it is respectfully submitted that the entire

application can be searched and examined without a serious burden. MPEP §803 states: “If the search and examination of an entire application can be without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” (Emphasis added.)

Claim 65, and claim 66 which depends therefrom (as amended), recites a processing system for treating a substrate. The processing system includes a chemical treatment system for chemically treating said substrate by altering at least one exposed oxide surface layer on the substrate. The chemical treatment system includes a chemical treatment chamber, a substrate holder mounted within the chemical treatment chamber, a vacuum pumping system coupled to the chemical treatment chamber, and a gas distribution system for introducing one or more process gases into said chemical treatment chamber. The system also has a thermal treatment system for thermally treating the at least one chemically altered oxide surface layer on the substrate, the thermal treatment system comprising a thermal treatment chamber, a temperature controlled substrate holder mounted within the thermal treatment chamber, and a vacuum pumping system coupled to the thermal treatment chamber. An isolation assembly is disposed between the thermal treatment system the said chemical treatment system.

As the foregoing makes apparent, claims 65-66 recite many of the same features as claims 1-23. Accordingly, a search of claims 1-23 necessarily will encompass a search of claims 65-66 without undue burden on the Examiner. Accordingly, it is respectfully submitted that the Election of Species Requirement should be withdrawn to in order to prevent duplicative examination by the Patent Office and unnecessary expense to the Applicants.

Reconsideration and withdrawal of the Election of Species Requirement are respectfully requested.

In view of the foregoing, Applicants respectfully request that the Examiner reconsider the combined Restriction Requirement and Requirement for Election of Species and withdraw same.

Respectfully submitted,

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